

Honorable Thomas S. Zilly

**U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

STRIKE 3 HOLDINGS, LLC, a
Delaware corporation,

Plaintiff,

vs.

JOHN DOE, subscriber assigned IP
address 73.225.38.130,

Defendant.

JOHN DOE, subscriber assigned IP
address 73.225.38.130,

Counter-claimant,

vs.

STRIKE 3 HOLDINGS, LLC, a
Delaware corporation,

Counter-defendant

Case No. 2:17-cv-01731-TSZ

**DECLARATION OF J. CURTIS
EDMONDSON IN SUPPORT OF
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

1 I, J. CURTIS EDMONDSON, declare as follows:

- 2 1. I am an attorney licensed to practice law within the States of California, Washington,
3 Oregon and the District of Columbia. I am admitted to several district and federal
4 appellate courts.
- 5 2. I am counsel of record for Defendant JOHN DOE, subscriber assigned IP address
6 73.225.38.130 ("Doe") in this matter. I have handled over 30 bittorrent cases for
7 defendants in various districts across the United States.
- 8 3. **Exhibit 1** is a true and correct copy of an e-mail I sent to Strike 3's counsel, Bryan Case
9 and Kiren Rockenstein, dated February 10, 2018.
- 10 4. **Exhibit 2** is a true and correct copy of the deposition extracts from Susan Stalzer taken
11 on April 16, 2019.
- 12 5. **Exhibit 3** is a true and correct copy of the deposition extracts from John Pasquale taken
13 on April 17, 2019.
- 14 6. **Exhibit 4** is a true correct copy of an e-mail string between myself and Strike 3's
15 counsel, Lincoln Bandlow and Bryan Case, between February 12, 2018 and February
16 14, 2018.
- 17 7. **Exhibit 5** is a true and correct copy of the deposition extracts from Greg Lansky taken
18 on April 11, 2019.
- 19 8. **Exhibit 6** is a true and correct copy of the deposition extracts from Jessica Fernandez
20 (with the confidential portions removed) taken on April 12, 2019.
- 21 9. **Exhibit 7** is a true and correct copy of the deposition extracts from Tobias Fieser taken
22 on May 9, 2019.
- 23 10. **Exhibit 8** is a true and correct copy of the Expert Report of Kalman Toth Ph.D. dated
24 March 15, 2019.
- 25 11. **Exhibit 9** is a true and correct copy of the Expert Report of Eric Fruits Ph.D. dated
26 March 15, 2019.
- 27 12. **Exhibit 10** is a true and correct copy of the Expert Report of Michael Yasumoto dated
March 15, 2019.
13. **Exhibit 11** is a true and correct copy of the Expert Report of Brandon Garcia-Paeth
dated March 15, 2019.

14. **Exhibit 12** is a true and correct copy of the Expert Report (in the form of a Declaration) of Stephen M. Bunting dated December 11, 2018.
15. **Exhibit 13** is a true and correct copy of the Expert Report (in the form of two Declarations) of Patrick Paige dated November 11, 2013 and August 19, 2016.
16. **Exhibit 14** is a true and correct copy of the Amended Expert Report of Eric Fruits, Ph.D. dated April 15, 2019.
17. **Exhibit 15** is a true and correct copy of the Rebuttal Expert Report of Kalman Toth Ph.D. dated April 29, 2019.
18. **Exhibit 16** is a true and correct copy of the deposition extracts from Patrick Paige taken on June 27, 2019.
19. **Exhibit 17** is a true and correct copy of the documents related to the arrest of Patrick Paige on December 1, 2010, including the Division of Internal Affairs investigation and disciplinary action taken against Mr. Paige.
20. **Exhibit 18** is a true and correct copy of the responsive documents produced on May 1, 2019, in response to the subpoena directed to Comcast.
21. **Exhibit 19** is a true and correct copy of the (Wireshark printout).
22. **Exhibit 20** is a true and correct copy of a printout from Wikipedia on the definition of Hex editor.
23. **Exhibit 21** is a true and correct copy of an article entitled "Software on Witness Stand: What Should it Take for Us to Trust it?"
24. **Exhibit 22** is a true and correct copy of an e-mail from Strike 3's counsel, Lincoln Bandlow dated July 16, 2019, setting forth his settlement proposal.
25. **Exhibit 23** is a true and correct copy of Plaintiff's Initial Disclosures dated April 20, 2018.
26. **Exhibit 24** is blank
27. **Exhibit 25** is blank
28. **Exhibit 26** is a true and correct copy of an article entitled "Characterizing Web Pornography Consumption fro Passive Measurements".
29. **Exhibit 27** is a true and correct copy of the complete deposition transcript of Emilie Kennedy taken on January 13, 2017.

1 30. **Exhibit 28** is a true and correct copy of a printout from Wikipedia on the definition of
2 Reserved IP addresses.

3 31. **Exhibit 29** is a true and correct copy of the deposition extracts from John Doe

4 32. **Exhibit 30** is a true and correct copy of the deposition extracts from John Doe, Jr.

5 33. I requested evidence of infringement from Strike 3 Holdings, LLC, I was provided with
6 copies of Control Copies of the Movies; Alleged Infringed Works', PCAP's (Packet
7 Captures) of the IPP monitoring system, Torrent Files, and Copyright Certificates.

8 34. I requested evidence of damages from Strike 3 Holdings in the form of financial
9 statements. Strike 3 objected to this request and would not provide financial statements.

10 35. I did not receive rebuttal expert reports from either Patrick Paige or Stephen Bunting.

11 I swear under the penalty of perjury under the laws of the United States of America that the
12 above is true and correct.

13 Executed on: July 29, 2019

14 /s/ *J. Curtis Edmondson*

15 J. CURTIS EDMONDSON
16 Declarant

CERTIFICATE OF SERVICE

I, J. Curtis Edmondson, hereby certify that on July 29, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those parties

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12 *Attorneys for Attorneys for Third-Party Witnesses Tobias Fieser, IPP*
13 *International UG, Bunting Digital Forensics, LLC, Stephen M. Bunting*

14 DATED this 29th day of July, 2019.

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16 By: /s/ J. Curtis Edmondson
J. Curtis Edmondson
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